

Permitting & Assistance Branch Staff Report
Revised Solid Waste Facilities Permit for the
Olinda Alpha Landfill
SWIS No. 30-AB-0035
May 29, 2015

Background Information, Analysis, and Findings:

This report was developed in response to the Orange County Health Care Agency Environmental Health's (LEA) request for the Department of Resources Recycling and Recovery (Department) concurrence on the issuance of a proposed revised Solid Waste Facilities Permit (SWFP) for Olinda Alpha Landfill located in Brea, owned and operated by Orange County Waste and Recycling. A copy of the proposed permit is attached. This report contains Permitting & Assistance Branch staff's analysis, findings, and recommendations.

The proposed permit was initially received on March 30, 2015. A new proposed permit was received on April 17, 2015. Action must be taken on this permit no later than June 16, 2015. If no action is taken by June 16, 2015, the Department will be deemed to have concurred with the issuance of the proposed revised SWFP.

Proposed Changes:

The following changes to the first page of the permit are being proposed:

	Current SWFP (2010)	Proposed SWFP
Permitted Maximum Tonnage	8,000 tons/day (tpd)	8,000 tons/day for 271 days/year, and 10,000 tons/day for 36 days/year

Other changes include:

1. Updates to the following sections of the SWFP: "Prohibitions" and "LEA Conditions" including the rewording, additions and/or deletions for the purpose of updating and/or clarifying;
2. Update the Preliminary Closure and Postclosure Maintenance Plan Cost Estimates; and
3. Updates to the Joint Technical Document (JTD), dated December 2014, to reflect current operations including the new conference room trailer and relocation of heavy equipment storage area.

Key Issues:

The proposed permit will increase the maximum tonnage to 10,000 tons per day for up to 36 days per year, while maintaining the existing 8,000 tons per day limit for the remaining 271 days per year.

Background:

The Olinda Alpha Landfill is an existing solid waste landfill operating under a revised SWFP issued on May 27, 2010 for the landfill operation.

Findings:

Staff recommends concurrence in the issuance of the proposed revised SWFP. All of the submittals and findings required by Title 27 of the California Code of Regulations (27 CCR),

Section 21685, have been provided and made. Staff has determined that the California Environmental Quality Act (CEQA) requirements have been met to support concurrence. The findings that are required to be made by the Department when reaching a determination are summarized in the following table. The documents on which staff's findings are based have been provided to the Branch Chief with this Staff Report and are permanently maintained by the Waste Permitting, Compliance and Mitigation Division.

27 CCR Sections	Findings	
21685(b)(1) LEA Certified Complete and Correct Report of Facility Information	The LEA provided the required certification in their permit submittal letter dated March 24, 2015.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(2) LEA Five Year Permit Review	A Permit Review Report was prepared by the LEA on May 28, 2015. The LEA provided a copy to the Department on May 28, 2015.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(3) Solid Waste Facility Permit	Staff received a proposed Solid Waste Facilities Permit on April 17, 2015.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(4)(A) Consistency with Public Resources Code 50001	The LEA in their permit submittal package received on March 30, 2015, provided a finding that the facility is consistent with PRC 50001. Waste Evaluation & Enforcement Branch (WEEB) staff in the Jurisdiction Compliance Unit found the facility is identified in the Countywide Siting Element, as described in their memorandum dated April 2, 2015.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(5) Preliminary or Final Closure/ Postclosure Maintenance Plans Consistency with State Minimum Standards	Engineering Support Branch staff in the Closure and Technical Support Section found the Preliminary Closure/Postclosure Maintenance Plan is consistent with State Minimum Standards as described in their memorandum dated May 27, 2015.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(6) Known or Reasonably Foreseeable Corrective Action Cost Estimate	Engineering Support Branch staff in the Closure and Technical Support Section found the written estimate to cover the cost of known or reasonably foreseeable corrective action activities technically adequate as described in their memorandum dated May 27, 2015.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(7)(A) Financial Assurances Documentation Compliance	Permitting and Assistance Branch staff in the Financial Assurances Unit found the Financial Assurances documentation for closure, postclosure maintenance, and corrective action in compliance as described in their memorandum dated May 1, 2015.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(7)(B) Operating Liability Compliance	Permitting and Assistance Branch staff in the Financial Assurances Unit found the Operating Liability in compliance as described in their memorandum dated May 1, 2015.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

27 CCR Sections	Findings	
21685(b)(8) Operations Consistent with State Minimum Standards	WEEB staff in the Inspections and Enforcement Agency Compliance Unit found that the facility was in compliance with all operating and design requirements during an inspection conducted on February 6, 2015. See Compliance History below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(9) LEA CEQA Finding	The LEA provided a finding in their permit submittal package received on March 30, 2015, that the proposed permit is consistent with and supported by the existing CEQA documentation. See Environmental Analysis below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21650(g)(5) Public Notice and/or Meeting, Comments	No written comments were received by the LEA or Department staff. See Public Comments below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
CEQA Determination to Support Responsible Agency's Findings	The Department is a responsible agency under CEQA with respect to this project. Permitting and Assistance Branch staff has determined that the CEQA record can be used to support the Branch Chief's action on the proposed revised SWFP.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

Compliance History:

WEEB staff in the Inspections and Enforcement Agency Compliance Unit conducted an inspection on February 6, 2015, and found the facility to be in compliance with applicable state minimum standards and permit conditions.

Below are the details of the landfill's compliance history based on the LEA's monthly inspection reports during the last five years:

- 2013 - 2015 (January – April) - No violations.
- 2012 (October) - One violation of 27 CCR Section 21600 – Report of Disposal Site Information; one violation of 27 CCR Section 21680 – Daily Cover.
- 2011 (January and September) - Two violations of 27 CCR Section 20921 – Gas Monitoring Control.
- 2010 (October – December) - Three violations of 27 CCR Section 20921 – Gas Monitoring Control.

The violations were corrected to the satisfaction of the LEA.

Environmental Analysis:

Under CEQA, the Department must consider, and avoid or substantially lessen where possible, any potentially significant environmental impacts of the proposed SWFP before the Department concurs in it. In this case, the Department is a Responsible Agency under CEQA and must utilize the environmental document prepared by Orange County Integrated Waste Management Department, acting as Lead Agency, absent changes in the project or the circumstances under which it will be carried out that justify the preparation of additional environmental documents and absent significant new information about the project, its impacts, and mitigation measures imposed on it.

The change that will be authorized by the issuance of the proposed SWFP include: Increase the maximum tonnage to 10,000 tons per day for up to 36 days per year, while maintaining the existing 8,000 tons per day limit for the remaining 271 days per year; update the Preliminary Closure and Post-Closure Maintenance Plan Cost Estimates and the Joint Technical Document. There will be no increase in the permitted acreage, or changes in the days/hours of operation. These changes are supported by the following environmental documents.

A Notice of Preparation (NOP)/Initial Study (IS) was circulated in January 2004, for a new Olinda Alpha Landfill project entitled “Regional Landfill Options for Orange County (RELOOC) Strategic Plan – Olinda Alpha Landfill Implementation.” Subsequent to the public review period for the NOP/IS, a Draft Environmental Impact Report (EIR) No. 588 (SCH No. 2004011055) was prepared and distributed for public review in June 2004. The County Board of Supervisors certified the Final EIR No. 588 on April 17, 2007.

Under CEQA Guidelines Section 15162, when an EIR has been certified or a Negative Declaration (ND) adopted for a project, no subsequent environmental document shall be prepared for that project unless the Lead Agency determines, on the basis of substantial evidence in light of the whole record, one or more of the following:

1. Substantial changes are proposed in the project, which will require major revisions of the previous EIR or ND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or ND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the ND was adopted, shows any of the following:
 - (A) The project will have one or more significant effects not discussed in the previous EIR or ND;
 - (B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;
 - (C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
 - (D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

PRC Section 21068 defines “Significant effect on the environment” as a substantial, or potentially substantial, adverse change in the environment. CEQA Guidelines Section 15382

further defines, a “Significant effect on the environment” as meaning a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project, including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance. A lead or responsible agency may prepare an addendum to a previously adopted EIR or ND if minor technical changes or additions are necessary or none of the conditions described in Section 15162 of the CEQA Guidelines calling for the preparation of a subsequent EIR or subsequent ND have occurred, pursuant to Section 15164(b) of the CEQA Guidelines.

Based on these considerations, in March 2014, Addendum Number 5 to the previously certified Final EIR was prepared and noticed by the Lead Agency to comply with CEQA to allow an increase in the maximum tonnage to 10,000 tons per day for up to 36 days per year, while maintaining the existing 8,000 tons per day limit for the remaining 271 days per year. Thus, Section 15164(a) of the CEQA Guidelines provides that an Addendum to the Final EIR is the appropriate documentation when the lead agency has determined that none of the conditions described in CEQA Guidelines Section 15162 exist – specifically that the changes will not result in any new, additional or substantially increased environmental impacts than were previously considered and addressed in the Final EIR.

The LEA has provided a finding that the proposed revised SWFP is consistent with and supported by the existing environmental documents.

Department staff reviewed the revised project for any new or more severe significant environmental effects that are within its jurisdiction to control. There are no new significant impacts beyond those analyzed in the Final EIR. An increase in the maximum tonnage to 10,000 tons per day for up to 36 days per year, while maintaining the existing 8,000 tons per day limit for the remaining 271 days per year will not result in any new significant impacts or substantially increase impacts related to noise, dust, odor, or air quality beyond those already analyzed in the Final EIR.

Staff recommends that the Department, acting as a Responsible Agency under CEQA, utilize the Final EIR and Addendums as prepared by the Lead Agency. There is no substantial evidence in the record to indicate the changes to the project will result in any new or more severe significant effects on the environment that are within the jurisdiction of the Department to control beyond those already considered in the Final EIR and Addendums. Thus, there are no grounds under CEQA for the Department to prepare a subsequent or supplemental environmental document, pursuant to 14 CCR Sections 15162 and 15163 respectively, or assume the role of Lead Agency, pursuant to 14 CCR Section 15052, for its consideration of the proposed revised SWFP.

Department staff further recommends the Final EIR and Addendums, together with the CEQA finding is adequate for the Branch Chief’s environmental evaluation of the proposed project for those project activities which are within the Department’s expertise and authority, or which are required to be carried out or approved by the Department.

The administrative record for the decision to be made by the Department includes the administrative record before the LEA, the proposed revised SWFP and all of its components and supporting documentation, this staff report, the Final EIR adopted by the Lead Agency and Addendums, and other documents and materials utilized by the Department in reaching its decision on concurrence in, or objection to, the proposed revised SWFP. The custodian of the

Department's administrative record is Dona Sturgess, Legal Office, Department of Resources Recycling and Recovery, P.O. Box 4025, Sacramento, CA 95812-4025.

Public Comments:

The project document availability and associated meetings were noticed consistent with the SWFP requirements. The LEA held a public informational meeting on February 19, 2015, at the Brea City Hall, 1 Civic Center Circle, in the City of Brea. Two members of the Brea City Council were in attendance and had general questions regarding noticing to waste haulers and landfill gas to energy plants that were addressed by the LEA. No members of the public were in attendance. No other oral or written comments were received by the LEA.

Department staff provided an opportunity for public comment during the CalRecycle Monthly Public Meetings on April 21, 2015 and May 19, 2015. No comments have been received by Department staff.